

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

This matter is before the Court upon defendant's pro se motions and objections.

A. Filing No. 1108 - Pro Se Motion for Replevin

Defendant's pro se motion addresses monies allegedly involved in the now dismissed forfeiture allegation count of the superseding indictment (Filing No. [360](#)). Thus, this motion will be denied as moot.

B. Filing No. 1114 - Propose Motion to Inspect Jury List

Defendant's pro se motion seeks to inspect the jury lists of 2010 and 2011. As to the 2010 jury list, this Court has addressed and denied defendant's request. As to the current jury list, pursuant to the Court's order (Filing No. 1100), standby counsel, Donald L. Schense, has inspected this jury list and advises he has reported to defendant. Accordingly, this issue is now moot.

C. Filing Nos. 1115 and 1122 - Pro se Motion for Effective Assistance of Counsel and Motion to Appoint Counsel

Competent and experienced counsel has been appointed. Thus, defendant's pro se motion to appoint counsel will be denied.

D. Filing No. 1123 - Pro se Objection to District Court's Failure to Comply with Rule 12(e) of the Fed. R. Crim. P.

In this motion, defendant essentially asks the Court to revisit several past orders and to comply with Fed. R. Crim. P. 12(e). Rule 12(e) provides, "[a] party waives any Rule 12(b) (3) defense, objection, or request not raised by the deadline the court sets under Rule 12(c) or by any extension the court provides. For good cause, the court may grant relief from the waiver." Although the Court does not understand defendant's request that it comply with this rule, the Court has reviewed the repeated allegations set forth in this motion, and again finds them frivolous and without merit. Defendant's pro se objection will be denied.

E. Filing No. 1132 - Pro se Objection under Rule 51 to Motion to Continue being used to Benefit the Government

In this motion, defendant moves for a hearing to correct the official transcript. The Court has previously ruled on this issue. (See Filing Nos. 1074, 1124.) Thus, defendant's pro se objection will be denied as moot.

F. Filing No. 1133 - Pro se Rule 51 Objection to Refusal to Issue Subpoena Duces Tecum

The Court has previously ruled on the alleged inaccuracies defendant addresses in this objection and defendant's request for the audio recordings of his hearings and trial. (See Filing Nos. 912, 1074, 1124.) Thus, defendant's objection to the Court's refusal to issue subpoena duces tecum for the audio recordings of defendant's December, 2010, hearing will be denied as moot.

IT IS ORDERED:

1) Defendant' pro se motion for replevin (Filing No. 1108) is denied as moot.

2) Defendant's pro se motion to inspect jury list (Filing No. 1114) is denied as moot.

3) Defendant's pro se motion for effective assistance of counsel (Filing No. 1115) is denied as moot.

4) Defendant's motion appoint counsel (Filing No. 1122) is denied.

5) Defendant's pro se objection (Filing No. 1123) is denied.

6) Defendant's pro se objection (Filing No. 1132) is denied as moot.

7) Defendant's pro se objection (Filing No. [1133](#)) is denied as moot.

DATED this 27th day of October, 2011.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court